IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.166 OF 2007
IN
CRIMINAL APPEAL NO. OF 2006

Mr.Raghunath Tarachand Sharma ...Applicant.
V/s.
1. Kushal Narayandas Sharma
2.The State of Maharashtra ...Respondents.

Ms.Madhura Nadgonda, adv. for the Applicant.
Mrs.M.M.Deshmukh, APP for the Respondent/State.

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1. Kushal Narayandas Sharma
2.The State of Maharashtra ...Respondents.

Ms.Madhura Nadgonda, adv. for the Applicant.
Mr.Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 16th March, 2007.

P.C.:

1. Both these applications may be disposed off by the common order as the applicant and the respondent no.1 are same and facts are also similar. Admittedly, the applicant in both the matters is the original complainant and the respondent no.1 is the accused. They are closely related. The applicant had advanced certain amount to the respondent no.1 and for repayment of the same, the respondent no.1 had issued two cheques.

One for repayment of amount of Rs.25,000/- and for repayment of Rs.7,50,000/-. Both these cheques were presented by the applicant to its banker for encashment. The cheques were however returned by the Punjab & Maharashtra Co-operative Bank Limited, which is a drawee bank with a memo. In case of one cheque, on the memo there was endorsement "3.Alteration in date requires drawer's full signature." In case of another cheque there were two endorsements "Alteration in date requires drawer's full signature and "6.a) Not arranged for b) full cover not received". Thus, in the case of first cheque, Criminal Case No.51/S/2003 was filed. In the case of another cheque, Criminal Case No.53/S/2003 was filed. Both the complaints came to be rejected on the ground that, alteration in date required full signature of the drawer and for want of full signature of the drawer, authenticating alteration in the date of cheque, the cheque could not be encashed. Even if sufficient funds would be available the second could not be encashed for want of signature authenticating alteration in the date.

2. In view of this, the learned Magistrate after hearing evidence of both the parties acquitted the accused in both the cases and the complainant has filed appeals with these applications seeking special leave to

prefer appeal.

3. Taking into consideration endorsements from the drawee bank, I find no fault in the impugned judgment and I see no merit in the present applications. Therefore, both the applications seeking special leave to prefer appeal stand rejected.

(J.H.Bhatia,J.)